

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 393 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MANILAL SOMDAS PATEL

Versus

NATHABHAI VASHRAMBHAI PATEL

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Appearance:

MR SANJAY M AMIN for Petitioner

MR BR PARIKH for Respondent No. 1

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 10/08/98

ORAL JUDGEMENT

#. This appeal arises from the impugned order dated 10th April,1995 rendered by the learned 3rd Civil Judge (S.D.), Mahesana camp at Kalol below interim injunction application Ex.5 in Spl. Civil Suit No.10/95. The order relates to 5 buffaloes and 3 calves in question. The appellant (the defendant) in the suit has been restrained till the final disposal of the suit from forcibly dispossessing the plaintiff of the five buffaloes and

three calves. At the same time, the respondent plaintiff has been directed to give fresh surety in the sum of Rs.1,00,000/-, with further direction that all animals in question will be properly attended to and taken care of during the pendency of the suit and in any event if the plaintiff would fail to account for the animals, he would be liable to pay the market price thereof with interest at the rate of 12 % per annum from the date of the suit. He has further been directed to report to the court in case any of the animals in question dies. The learned trial judge finally directed the suit being disposed of on priority basis on or before 31st December,1995.

#. I have heard the learned advocates for the parties. Bearing in mind the fact that the suit is of 1995 and also bearing in mind the fact that the trial court itself directed expeditious disposal of the suit, I am of the opinion that following order will serve the ends of the justice. The trial court is directed to dispose of this suit as expeditiously as possible preferably within 8 months from the date of the receipt of writ of this direction. In case, the suit is not disposed of within this period, the respondent plaintiff will have to deposit in trial court an amount of Rs.1,00,000/- in discharge of the surety. Both the parties are directed to cooperate with the trial court for expeditious disposal of this suit. With the aforesaid directions, this appeal disposed of. The office is directed to send the writ of direction immediately to the trial court.

#. This appeal stands disposed of accordingly with no order as to cost.

Date : 10-8-1998 (M.S.Parikh,J.)

(KPP)